

Notice of Allowability

Application No.

10/666,061

Examiner

Theresa Trieu

Applicant(s)

OTTE ET AL.

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date March 16, 2006.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/29/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date March 16, 2006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Theresa Trieu
Primary Examiner
Art Unit: 3748

EXAMINER'S AMENDMENT

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a motor having a six-pole rotor and 4-pole stator" recited in claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael R. Hull (Reg. No. 35,902) on March 16, 2006. During telephone conversation with Mr.

Art Unit: 3748

Hull, an agreement was reached to amend claims 1-7. The application has been amended as follows:

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claim 1:

- line 14, 16, "about" has been deleted.
- line 21, "circular and has" has been changed to -- circular and the inlet ring having --.
- line 22, "has been minimized" has been changed to -- is 1.25 inches--.

Claim 2: line 2, "about" has been deleted.

Claim 3: line 2, "about" has been deleted.

Claim 4: line 2, "about" has been deleted.

Claim 6: line 2, "about" has been deleted.

Claim 7: line 2, "a radius of at least about 2.6 inches" has been changed to --an outer radius of at least 2.6 inches--.

Allowable Subject Matter

Claims 1-7 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious the claimed combination including: a pair of deep groove ball bearings having a sound dampening grease sealed within each bearing; the angular relation at the rotor surface between the vane slot and a line passing through the rotor center and normal to an

Art Unit: 3748

adjacent vane slot is between 23° and 25°; the body being fabricated of a sound dampening gray iron and having a weight of at least 4.63 lbs; a non-vented shroud which surrounds the body and being fabricated from a laminated layer of steel and a sound dampening material; an inlet ring engaging the motor housing and the rear plate which is circular and the inlet ring having an outside and inside diameters, wherein the difference between the outside and inside diameters is 1.25 inches; a front plate engaging the body in defining a pair of air conducting chambers; and a muffler box which engages the front plate and defines an inlet port and an outlet port, each of which communicates with one of said chambers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art

The IDS (PTO-1449) filed on December 29, 2003 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of seven patents: Yumiyama et al. (U.S. Patent Number 4,747,761), Poole (U.S. Patent Number 4,826,407), Hinchey, Jr. (U.S. Patent Number 6,790,019), Thomas, Jr. et al. (U.S. Patent Number 6,881,044), Goidukov (CSAS) (Publication Number SU 731,000), Yumiyama et al. (Publication Number JP62-159786), and Teramoto (Publication Number JP 03-290083), each further discloses a state of the art.

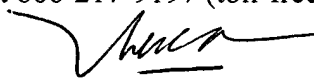
Art Unit: 3748

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT
March 16, 2006



Theresa Trieu
Primary Examiner
Art Unit 3748